

REMARKS

Applicants respectfully request entry of the foregoing amendments and reconsideration of the present application in view of the reasons that follow. Applicants believe that the amendments and arguments raise no new issues and would require no further search, accordingly, it is respectfully requested that this amendment and reply be considered and entered.

Interview at PTO on August 31, 2004:

Applicants' representative appreciates the courtesies extended to him by Examiner Baran and Examiner Hoff, during an interview conducted at the PTO on August 31, 2004. During that interview, proposed amendments to claims 1, 11, 21 and 33 were discussed, whereby such amendments were deemed to distinguish over the cited art of record. Presently pending claims 1, 11, 21 and 33 have been amended in accordance with the proposed amendments to those claims as discussed during the interview of August 31, 2004, and thus those claims are believed to be in allowable form.

Status of Claims:

Claims 1, 11, 21, 31, 33, 54, 56 and 58 are currently being amended.

Claims 52 and 53 are currently being canceled, whereby the features of those claims have been incorporated into claim 33, whereby the features of claim 53 have been reworded slightly to more accurately described those features.

No claims are currently being added.

This amendment amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-29, 31-51 and 54-59 are now pending in this application.

Allowable Subject Matter:

Applicants appreciate the indication of allowable subject matter made in the Office Action with respect to claims 31 and 53-59. By way of this amendment and reply, claims 31, 54,

56 and 58 have each been placed in independent form to include the features of their respective base claim and any intervening claims. Also, the features of claims 52 and 53 have been incorporated into claim 33 (with the changes made as noted above). Accordingly, claims 33 and 54-59 are now in allowable form in accordance with the indications made in the Office Action.

Claim Rejections under 35 U.S.C. § 102 and § 103

In the Office Action, claims 1, 3, 4, 7-11, 13, 14, 16, 18-20, 33, 46-50 and 52 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,414,594 to Guerlain; claims 2, 12 and 34-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerlain in view of U.S. Patent No. 6,409,909 to Spichiger-Keller; claims 5, 15, 39-45 and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerlain in view of U.S. Patent No. 5,949,678 to Wold; claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerlain in view of U.S. Patent No. 5,774,379 to Gross et al.; and claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerlain in view of U.S. Patent No. 5,675,070 to Gelperin. Due to the amendments made to presently pending claims 1, 11, 21 and 33, in view of the comments made by Examiners Baran and Hoff during interview conducted on August 31, 2004, all of the presently pending claims under rejection are believed to be patentable over the cited art of record.

Double Patenting Rejection:

In the Office Action, claims 21-29 and 32 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 52-59 and 58-62 of copending Application No. 09/802,377, 10/172,433, and 10/214,631. Since none of these copending applications has issued as yet, and in accordance with M.P.E.P. Section 804, since there are no other rejections or objections believed to be pending in this application, it is respectfully requested that the double patenting rejection be withdrawn.

Conclusion:

Therefore, this application is believed to be in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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